

REMARKS

Applicants respectfully request favorable reconsideration of this application.

Claims 1-32 have been cancelled and Claims 41, and 59-76 have been withdrawn from consideration. Claim 33 has been amended to clarify the distinction between the claimed prosthesis and the disclosures of the applied reference. Claim 50 has been amended to correct an evident erroneous dependency reference. Claim 36 has been amended to correct an evident typographical error. New claims 77-87 have been added to claim embodiments of the invention characterized by an annulus having a cavity extending axially therethrough. Accordingly, Claims 33-40, 42-58, and 77-87 are active in the application.

Claims 33-35, 38-39, 42-44, 46, 50-51, and 57-58 were rejected under 35 U.S.C. § 102(e) as being anticipated by Huang, U.S. Patent No. 6,893,465 (Huang). Claims 36-37, 40, 45, 47-49, and 53-56, were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Huang reference. Claim 50 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because, in line 3, "said dome" lacks proper antecedent basis.

Reconsideration of the rejections is respectfully requested.

As to the rejection of Claims 33-35, 38-39, 42-44, 46, 50-51, and 57-58 under 35 U.S.C. § 102(e), independent Claim 33, as amended, clearly distinguishes the claimed invention from the disclosures of Huang '465. Specifically, the structure indicated by reference numeral 35 of the embodiment illustrated in Figure 1 of the Huang reference, identified by the Office as an annulus, but described in the specification of the Huang reference as a "cushioning sac" (column 4, lines 47-48), does not have a central cavity extending axially therethrough as recited in independent Claim 33 as amended. Accordingly, a rejection of independent Claim 33, as amended, and of Claims 34-35, 38-39, 42-44, 46, 50-51, and 57-58 dependent directly or indirectly therefrom, under 35 U.S.C. § 102(e) is inappropriate and its withdrawal is respectfully requested.

As to the rejection of Claims 36-37, 40, 45, 47-49, and 53-56 under 35 U.S.C. § 103(a), the deficiencies of the sole applied reference, Huang 465, have been discussed above. In view of the patentability of Claim 33, as amended, over the disclosures of Huang '465, Claims 36-37, 40, 45, 47-49, and 53-56, dependent directly or indirectly therefrom, are also patentable. Accordingly, withdrawal of the rejection of

Claims 36-37, 40, 45, 47-49, and 53-56 under 35 U.S.C. § 103(a) is respectfully requested.

New Claim 77 and Claims 78-87 dependent therefrom are also characterized by an annulus having a cavity extending axially therethrough. These claims are therefore also distinguished from the Huang reference and are patentable over the Huang reference.

The basis for rejection of Claim 50 under 35 U.S.C. 112, second paragraph, is believed to have been removed by the above amendment. Accordingly, it is respectfully requested that this rejection be withdrawn.

In view of the above amendments and discussion, this application is believed to be in condition for allowance, and an early Notice of Allowance is respectfully requested.

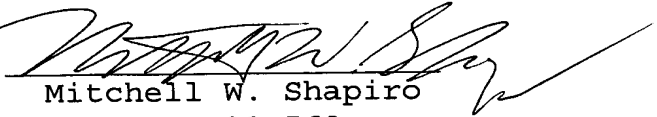
Furthermore, in view of the allowability of Claim 33, an allowable claim generic to the non-elected species is present in the application. Accordingly, rejoinder of withdrawn Claims 41 and 59-76 is appropriate, and such rejoinder and allowance of those claims is respectfully requested.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time

is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully requested,

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